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**SCULLY, SCOTT, MURPHY
& PRESSER**

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JUN 22 2004

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To: Examiner Gupta

From: Mark Cohen

Group Art Unit: 1654

Fax: 571-273-0965

Pages: 39 (including cover sheet)

Phone:

Date: 6/22/2004

Re: Serial No. 09/246,307

CC:

Our Docket: 15004Z

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• **Comments:**

Attached hereto:

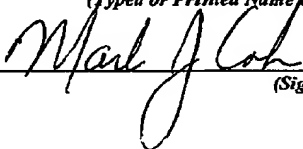
1. Certificate of Facsimile Transmittal, in duplicate
2. Letter to Examiner Gupta
3. Copies of responses and prosecution submitted to the USPTO from June 2003 to April 2004, including Request of Revival of Application Pursuant to 37 C.F.R. §1.8 with Exhibits A & B

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June 22, 2004

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● Page 2

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No.
Applicant(s): Alan P. Kosilowski, et al.			15004Z
Serial No. 09/246,307	Filing Date February 9, 1999	Examiner A. Gupta	Group Art Unit 1653
Invention: CYCLIC DIPEPTIDES AND AZETIDINONE COMPOUNDS AND THEIR USE IN TREATING CNS INJURY AND NEURODEGENERATIVE DISORDERS			
<p>I hereby certify that this _____ Letter _____ (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 517-273-0965)</p> <p>on June 22, 2004 (Date)</p> <p style="text-align: right;">Mark Cohen (Typed or Printed Name of Person Signing Certificate)</p> <p style="text-align: right;"> (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

P18/REV01

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicants:** Alan P. Kozikowski, et al.**Examiner:** A. Gupta**Serial No.:** 09/246,307**Art Unit:** 1653**Filed:** February 9, 1999**Docket:** 15004Z**For:** CYCLIC DIPEPTIDES AND
AZETIDINONE COMPOUNDS AND
THEIR USE IN TREATING CNS INJURY
AND NEURODEGENERATIVE DISORDERS**Dated:** June 22, 2004Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**LETTER**

Sir:

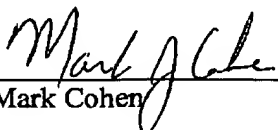
In a telephone conference with Examiner Gupta, applicants' attorney was advised that the United States Patent and Trademark Office had no record of the SUBMISSION FOR REQUEST OF REVIVAL OF APPLICATION PURSUANT TO C.F.R. 37 §1.8 filed approximately a year ago and the subsequent status inquiry letters filed by applicants.

Pursuant to Examiner Gupta's suggestion, applicants are faxing another copy of the aforementioned documents together with the documentation evidencing the receipt thereof by the U.S. Patent and Trademark Office.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: June 22, 2004


Mark Cohen

Applicants respectfully request that the United States Patent and Trademark Office withdraw the Notice of Abandonment and provide an action on the merits as quickly as possible so as to expedite prosecution of this application that has been languishing in the United States Patent and Trademark Office without examination through no fault of applicants.

Applicants wish to thank Examiner Gupta in advance for his assistance in this matter.

Respectfully submitted,



Mark Cohen
Registration No. 32,211

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, NY 11530
(516)742-4343

MC:nis

PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

1. General Transmittal (in duplicate)
2. Status Inquiry
3. Certificate of Mailing

Applicant: Alan P. Kozikowski, et al.

Serial No.: 09/246,307

Filed: February 8, 1999

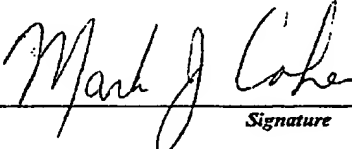
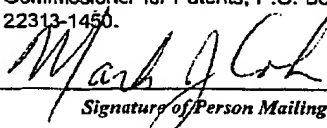
For: CYCLIC DIDPEPTIDES AND AZETIDINONE COMPOUNDS AND THEIR
USE IN TREATING CNS INJURY AND NEURODEGENERATIVE DISORDERS

Docket: 15004Z

Dated: April 28, 2004

MSK/SPD



TRANSMITTAL LETTER (General - Patent Pending)			Docket No. 15004Z
In Re Application Of: Alan P. Kozikowski, et al.			
Serial No. 09/246,307	Filing Date February 8, 1999	Examiner Gupta	Group Art Unit 1654
Title: CYCLIC DIPEPTIDES AND AZETIDINONE COMPOUNDS AND THEIR USE IN TREATING CNS INJURY AND NEURODEGENERATIVE DISORDERS			
<u>TO THE COMMISSIONER FOR PATENTS:</u>			
Transmitted herewith is: Status Inquiry			
in the above identified application.			
<input checked="" type="checkbox"/> No additional fee is required.			
<input type="checkbox"/> A check in the amount of _____ is attached.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 19-1013/SSMP as described below.			
<input type="checkbox"/> Charge the amount of _____			
<input checked="" type="checkbox"/> Credit any overpayment.			
<input checked="" type="checkbox"/> Charge any additional fee required.			
 _____ Signature		Dated: April 28, 2004	
Mark J. Cohen Registration No. 32,211 Scully, Scott, Murphy & Presser 400 Garden City Plaza Garden City, NY 11530 (516) 742-4343		<div style="font-size: small;">I certify that this document and fee is being deposited on 4/28/04 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</div> <div style="text-align: center;"> Signature of Person Mailing Correspondence</div> <div style="text-align: center;">Mark J. Cohen Typed or Printed Name of Person Mailing Correspondence</div>	
CC:			

P18A/REV01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant:** Alan P. Kozikowski, et al.**Examiner:** Gupta**Serial No.:** 09/246,307**Art Unit:** 1654**Filed:** February 8, 1999**Docket:** 15004Z**For:** CYCLIC DIPEPTIDES AND
AZETIDINONE COMPOUNDS AND
THEIR USE IN TREATING CNS
INJURY AND NEURODEGENERATIVE
DISORDERS**Dated:** April 28, 2004**Confirmation No.:** 6016Commissioner for Patents
Alexandria, VA 22313-1450**STATUS INQUIRY**

Sir:

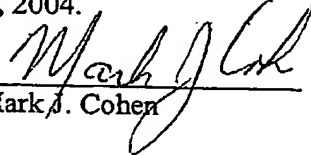
Applicants again inquire into the status of the above-identified case.

Applicants have filed a Status Letter dated January 16, 2004 relative to the above-identified case, and as of this date, have not received a Response thereto.

In the last communication received from the United States Patent and Trademark Office in this application, the United States Patent and Trademark Office had improperly abandoned the present application, alleging that applicants had not responded to the Office Action dated January 17, 2001. As explained in the Petition for Revival, applicants had

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Alexandria, VA 22313-1450 on April 28, 2004.

Dated: April 28, 2004
Mark J. Cohen

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responded to the Official Action and provided evidence supporting the fact that they responded to the Official Action. As explained in the Petition to Revive, the United States Patent and Trademark Office had mischaracterized the last Official Action as a final rejection, when in reality it was not a Final rejection. Consequently, applicants did not file a Notice of Appeal nor was one required. Thus, the abandonment by the United States Patent and Trademark Office was in error.

Applicants referred to the Petition to Revive the application in the previous status letter filed on January 16, 2004. Nevertheless, it is about three months since the filing thereof and applicants still have not received any communication in relation thereto. Moreover, it is almost a year since the submission of the Petition to Revive, and as of this date, applicants have not received any decision on the Petition.

This application was filed on February 8, 1999, and during the five years this application has been in prosecution, applicants have only received two Official Actions examining the claims on the merits. The delay in the examination of the above-identified application is not the fault of the applicants.

Applicants again inquire into the status of the above-identified case.

Respectfully submitted,


Mark J. Cohen
Registration No. 32,211

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, NY 11530
(516) 742-4343

MJC:lf

PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

1. General Transmittal (in duplicate)
2. Status Inquiry
3. Certificate of Mailing

Applicant: Alan P. Kozikowski, et al.
Serial No.: 09/246,307

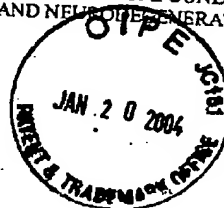
Filed: February 8, 1999

For: CYCLIC DIPPEPTIDES AND AZETIDINONE COMPOUNDS AND THEIR
USE IN TREATING CNS INJURY AND NEURODEGENERATIVE DISORDERS

Docket: 150042

Dated: January 16, 2004

WDL/KSD



**TRANSMITTAL LETTER
(General - Patent Pending)**Docket No.
15004Z

In Re Application Of: Alan P. Kozikowski, et al.

Serial No.
09/246,307Filing Date
February 8, 1999Examiner
GuptaGroup Art Unit
1654Title: CYCLIC DIPEPTIDES AND AZETIDINONE COMPOUNDS AND THEIR USE IN TREATING CNS INJURY
AND NEURODEGENERATIVE DISORDERSTO THE DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE:

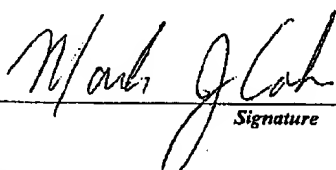
Transmitted herewith is:

Status Inquiry

in the above identified application.

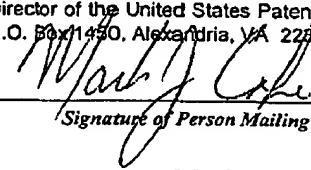
- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP**
as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

Dated: January 16, 2004


Signature

Mark J. Cohen
Registration No. 32,211
Cully, Scott, Murphy & Presser
800 Garden City Plaza
Garden City, NY 11530
516) 742-4343

I certify that this document and fee is being deposited
on 1/16/04 with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Director of the United States Patent and Trademark Office,
P.O. Box 1450, Alexandria, VA 22313-1450.


Signature of Person Mailing Correspondence

Mark J. Cohen

Typed or Printed Name of Person Mailing Correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant:** Alan P. Kozikowski, et al.**Examiner:** Gupta**Serial No.:** 09/246,307**Art Unit:** 1654**Filed:** February 8, 1999**Docket:** 15004Z**For:** CYCLIC DIPEPTIDES AND
AZETIDINONE COMPOUNDS AND
THEIR USE IN TREATING CNS
INJURY AND NEURODEGENERATIVE
DISORDERS**Dated:** January 16, 2004RECEIVED
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Commissioner for Patents
Washington, DC 20231**STATUS INQUIRY**

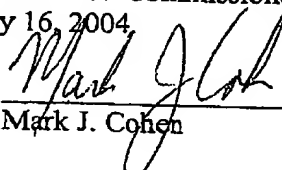
Sir:

Applicants are inquiring into the status of the above-identified case.

Applicants received a Notice of Abandonment improperly issued dated June 18, 2003, alleging that they did not file a proper reply to an Office Action dated January 17, 2001. In a Submission for Request of Revival of Application Pursuant to 37 C.F.R. §1.8, dated June 30, 2003, applicants showed that the Notice of Abandonment was improperly issued and that a timely reply to said Official Action was filed. Moreover, applicants indicated that the United States Patent and Trademark Office mischaracterized the Official Action dated January 17, 2001 as a final rejection, when in reality it was not.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

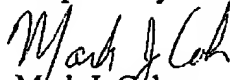
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Alexandria, VA 22313-1450 on January 16, 2004.

Dated: January 16, 2004
Mark J. Cohen

It is almost six months since applicants filed its submission for Request of Application Pursuant to 37 C.F.R. §1.8. Applicants have not received any communication from the United States Patent and Trademark Office since its submission in thereto.

Applicants are now inquiring into the status of its Request.

Respectfully submitted,



Mark J. Cohen

Registration No. 32,211

Y, SCOTT, MURPHY & PRESSER
len City Plaza
City, NY 11530
2-4343

Transmission Report

Date/Time 6-30-03; 5:03PM
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Fax

To: EXAMHER GUPTA From: Mark J. Cohen
 Group Art Unit: 1653

From: (703) 240-4606 Pages: 24 (including cover sheet)
 Phone: Date: 6/30/2003
 Ref: Serial No. 09244,307
 Our DocId: 150042 Doc:
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• Comments

Attached hereto is:

1. General Transmittal Letter (in duplicate)
2. Certificate of Facsimile (in duplicate)
3. Submission for Request of Review of Application Pursuant to 37 C.F.R. §1.9 (in duplicate) with Exhibits A and B

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email: introp@ssmp.com

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Fax

To: EXAMINER GUPTA

From: Mark J. Cohen

Group Art Unit: 1653

Fax: (703)746-4986

Pages: 24 (including cover sheet)

Phone:

Date: 6/30/2003

Re: Serial No. 09/246,307

Our Docket: 15004Z

CC:

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● **Comments:**

Attached hereto is:

1. General Transmittal Letter (in duplicate)
2. Certificate of Facsimile (in duplicate)
3. Submission for Request of Revival of Application Pursuant to 37 C.F.R. §1.8 (in duplicate) with Exhibit A and B

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TRANSMITTAL LETTER
(General - Patent Pending)Docket No.
15004Z

In Re Application Of: Alan P. Kozikowski, et al.

Serial No.
09/246,307Filing Date
February 8, 1999Examiner
Anish GuptaGroup Art Unit
1654Title: CYCLIC DIPEPTIDES AND AZETIDINONE COMPOUNDS AND THEIR USE IN TREATING CNS INJURY
AND NEURODEGENERATIVE DISORDERSTO THE COMMISSIONER FOR PATENTS:

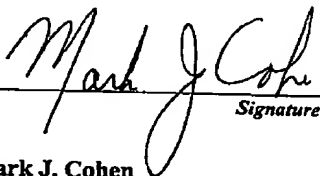
Transmitted herewith is:

Submission for Request of Revival of Application Pursuant to 37 C.F.R. 1.8

In the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. _____
as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

19-1013/SSMP


Signature

Dated: June 30, 2003

Mark J. Cohen
Registration No. 32,211
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530
(516) 742-4343

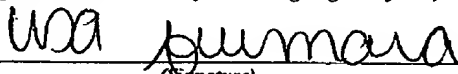
certify that this document and fee is being deposited
on _____ with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

cc:

P18A/REV01

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. 15004Z
Applicant(s): Alan P. Kozikowski, et al.			
Serial No. 09/246,307	Filing Date Febraury 8, 1999	Examiner Anish Gupta	Group Art Unit 1654
Invention: CYCLIC DIPEPTIDES AND AZETIDINONE COMPOUNDS AND THEIR USE IN TREATING CNS INJURY AND NEURODEGENERATIVE DISORDER			
<p>I hereby certify that this <u>SUBMISSION FOR REQUEST OF REVIVAL OF APPLICATION UNDER 37 C.F.R. 1.8</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703 746 4986</u> on <u>June 30, 2003</u> (Date)</p> <p style="text-align: center;"><u>Lisa Fiumara</u> (Typed or Printed Name of Person Signing Certificate)  (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

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PATENTS
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Alan P. Kozikowski, et al.**Examiner:** Anish Gupta**Serial No.:** 09/246,307**Art Unit:** 1654**Filed:** February 8, 1999**Docket:** 15004Z**For:** CYCLIC DIPEPTIDES AND AZETIDINONE
COMPOUNDS AND THEIR USE IN TREATING
CNS INJURY AND NEURODEGENERATIVE
DISORDERS**Dated:** June 30, 2003**OFFICIAL**Commissioner for Patents
Alexandria, VA 22313-1450

SUBMISSION FOR REQUEST OF REVIVAL OF APPLICATION
PURSUANT TO 37 C.F.R. §1.8

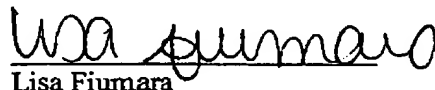
Sir:

Pursuant to 37 C.F.R. §1.8, applicants respectfully request that the United States Patent and Trademark Office withdraw its Notice of Abandonment improperly issued and revive the above-identified application.

The United States Patent and Trademark Office improperly issued a Notice of Abandonment dated June 18, 2003, alleging that the applicants did not file a proper reply to the Office Action dated January 17, 2001. Applicants respectfully submit that they did timely file a proper reply to the Official Action.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: June 30, 2003
Lisa Fiumara

H:\work\1572\15004z\AMEND\15004Z.reqrevival.doc

It appears that the confusion on this issue is caused by the mistake of the United States Patent and Trademark Office in characterizing the Official Action of January 17, 2001, as a Final Rejection. However, the Official Action dated January 17, 2001 was not a Final Rejection. As evidence thereof attached hereto is a copy of the Office Action dated January 17, 2001 as Exhibit A. A review of the Office Action clearly reveals that it was a non-final Office Action. Consequently, since it was a non-final Office Action, no Notice of Appeal is required to be filed. A complete response thereto just requires a written Response to the issues raised in the Office Action.

In fact, a complete Response thereto accompanied by a Declaration under 37 C.F.R. §1.132 and a petition for a three-month extension of term and the appropriate Official fees were filed on July 11, 2001. No other documents were filed or needed to be filed in response to the Official Action.

In addition, a Supplemental Information Disclosure Statement was filed on July 11, 2001.

As evidence that the United States Patent and Trademark Office received the documents, attached hereto as Exhibit B is a copy of the Advisory Action dated April 4, 2002 improperly issued. A review of the third page of the Advisory Action indicates receipt of the Official Response, Declaration and Supplemental Information Disclosure Statement by the United States Patent and Trademark Office.

However, it appears that the United States Patent and Trademark Office mistakenly believes that the Official Action of January 17, 2001, was a Final Rejection, which it clearly was not. As a consequence of its belief, it improperly issued an Advisory Action, which

was dated April 4, 2002, a copy of which is attached hereto as Exhibit B. But, since the Official Action was non-final, no Advisory Action should have been issued in the first instance.¹

Shortly after receipt of the Notice of Abandonment, applicants' attorney contacted Examiner Gupta, on June 30, 2003, who advised him that the records in the United States Patent and Trademark Office incorrectly indicate that the Office Action of January 17, 2001 was a Final Rejection. Examiner Gupta advised that applicants should respond to the Notice of Abandonment and advise therein of the mistake in the characterization of the Official Action of January 17, 2001 as a Final Rejection.

Applicants' attorney wishes to thank Examiner Gupta for his helpful suggestions.

Applicants' attorney have followed Examiner Gupta's advice and reiterate that the Official Action of January 17, 2001 was non-final, as clearly shown by Exhibit A. A review thereof clearly shows that there is no indication anywhere on the Official Action that it was a Final Official Action. Thus, the Response dated July 11, 2001, accompanied by the Declaration under 37 C.F.R. §1.132, which was timely filed, addressed the issues raised in the Official Action and was a complete Response thereto. Consequently, the United States Patent and Trademark Office have should not have abandoned the above-identified application.

Applicants respectfully request that the records of the United States Patent and Trademark office be corrected to reflect that the Official Action of January 17, 2001 was non-final. Moreover, applicants respectfully request that the application be revived for examination. In addition, applicants respectfully request that the Response duly filed on July 11, 2001 be reviewed and considered on the merits. Finally, applicants respectfully request that the

¹ Applicants' attorney contacted Examiner Gupta shortly after the issuance thereof as well as in September and December 2002 and February 2003 to advise him of the error.

Supplemental Information Disclosure filed on July 11, 2001 be made of record in the above-identified application.

A Petition Fee is not expressly required under the controlling provisions of 37 C.F.R. §1.8(b). Authorization is given, however, to charge payment of any necessary fees associated with the Communication to Deposit Account No. 19-1013/SSMP. A duplicate copy of this paper is enclosed.

Respectfully submitted,



Mark J. Cohen
Registration No. 32,211

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530
(516) 742-4343
MJC:lf

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JUN 22 2004

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant(s):** Alan P. Kozikowski, et al.**Examiner:** Anish Gupta**Serial No.:** 09/246,307**Art Unit:** 1654**Filed:** February 8, 1999**Docket:** 15004Z**For:** CYCLIC DIPEPTIDES AND AZETIDINONE
COMPOUNDS AND THEIR USE IN TREATING
CNS INJURY AND NEURODEGENERATIVE
DISORDERS**Dated:** June 30, 2003**OFFICIAL**Commissioner for Patents
Alexandria, VA 22313-1450**SUBMISSION FOR REQUEST OF REVIVAL OF APPLICATION
PURSUANT TO 37 C.F.R. §1.8**


Sir:

Pursuant to 37 C.F.R. §1.8, applicants respectfully request that the United States Patent and Trademark Office withdraw its Notice of Abandonment improperly issued and revive the above-identified application.

The United States Patent and Trademark Office improperly issued a Notice of Abandonment dated June 18, 2003, alleging that the applicants did not file a proper reply to the Office Action dated January 17, 2001. Applicants respectfully submit that they did timely file a proper reply to the Official Action.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: June 30, 2003
Lisa Fiumara

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It appears that the confusion on this issue is caused by the mistake of the United States Patent and Trademark Office in characterizing the Official Action of January 17, 2001, as a Final Rejection. However, the Official Action dated January 17, 2001 was not a Final Rejection. As evidence thereof attached hereto is a copy of the Office Action dated January 17, 2001 as Exhibit A. A review of the Office Action clearly reveals that it was a non-final Office Action. Consequently, since it was a non-final Office Action, no Notice of Appeal is required to be filed. A complete response thereto just requires a written Response to the issues raised in the Office Action.

In fact, a complete Response thereto accompanied by a Declaration under 37 C.F.R. §1.132 and a petition for a three-month extension of term and the appropriate Official fees were filed on July 11, 2001. No other documents were filed or needed to be filed in response to the Official Action.

In addition, a Supplemental Information Disclosure Statement was filed on July 11, 2001.

As evidence that the United States Patent and Trademark Office received the documents, attached hereto as Exhibit B is a copy of the Advisory Action dated April 4, 2002 improperly issued. A review of the third page of the Advisory Action indicates receipt of the Official Response, Declaration and Supplemental Information Disclosure Statement by the United States Patent and Trademark Office.

However, it appears that the United States Patent and Trademark Office mistakenly believes that the Official Action of January 17, 2001, was a Final Rejection, which it clearly was not. As a consequence of its belief, it improperly issued an Advisory Action, which

was dated April 4, 2002, a copy of which is attached hereto as Exhibit B. But, since the Official Action was non-final, no Advisory Action should have been issued in the first instance.¹

Shortly after receipt of the Notice of Abandonment, applicants' attorney contacted Examiner Gupta, on June 30, 2003, who advised him that the records in the United States Patent and Trademark Office incorrectly indicate that the Office Action of January 17, 2001 was a Final Rejection. Examiner Gupta advised that applicants should respond to the Notice of Abandonment and advise therein of the mistake in the characterization of the Official Action of January 17, 2001 as a Final Rejection.

Applicants' attorney wishes to thank Examiner Gupta for his helpful suggestions.

Applicants' attorney have followed Examiner Gupta's advice and reiterate that the Official Action of January 17, 2001 was non-final, as clearly shown by Exhibit A. A review thereof clearly shows that there is no indication anywhere on the Official Action that it was a Final Official Action. Thus, the Response dated July 11, 2001, accompanied by the Declaration under 37 C.F.R. § 1.132, which was timely filed, addressed the issues raised in the Official Action and was a complete Response thereto. Consequently, the United States Patent and Trademark Office have should not have abandoned the above-identified application.

Applicants respectfully request that the records of the United States Patent and Trademark office be corrected to reflect that the Official Action of January 17, 2001 was non-final. Moreover, applicants respectfully request that the application be revived for examination. In addition, applicants respectfully request that the Response duly filed on July 11, 2001 be reviewed and considered on the merits. Finally, applicants respectfully request that the

¹ Applicants' attorney contacted Examiner Gupta shortly after the issuance thereof as well as in September and December 2002 and February 2003 to advise him of the error.

Supplemental Information Disclosure filed on July 11, 2001 be made of record in the above-identified application.

A Petition Fee is not expressly required under the controlling provisions of 37 C.F.R. §1.8(b). Authorization is given, however, to charge payment of any necessary fees associated with the Communication to Deposit Account No. 19-1013/SSMP. A duplicate copy of this paper is enclosed.

Respectfully submitted,



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